

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SERGIO CRUZ, ET AL.,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.  
----- X

**STIPULATION CONCERNING  
VOLUNTARY DISMISSAL OF  
CLAIMS**

10 Civ. 5961 (WFK)(LB)

**WHEREAS**, plaintiffs SERGIO CRUZ, HORTENCIA CRUZ, ROSA BORRERO, AND I.C. (collectively, "plaintiffs") commenced this action by filing a complaint on or about December 22, 2010, alleging that the defendants violated plaintiffs' federal civil rights and various causes of action arising under state law;

**WHEREAS**, defendants City of New York ("City"), Harold Avalos, Ramon Cabral, Victor Falcon, Nelson Soto, Chris Friscia and Timothy Wilson and Xiang Li (collectively, "defendants") have denied any and all liability arising out of plaintiff's allegations;

**WHEREAS**, plaintiffs now desire to resolve certain claims raised in this litigation without further proceedings against defendants; and

**WHEREAS**, no person not a party to this matter has any interest in the subject matter of this proceeding; and


**IT IS HEREBY STIPULATED AND AGREED**, pursuant to 41(a) of the Federal Rules of Civil Procedure, by and between the attorneys for the respective parties herein, that plaintiffs hereby dismiss and discontinue the following claims, with prejudice, and without costs or attorney's fees to any party against defendants City of New York, Harold Avalos,

Ramon Cabral, Victor Falcon, Nelson Soto, Chris Friscia and Timothy Wilson and Xiang Li, their successor and assignees and all past and present officials, employees, representatives and agents in the above entitled proceeding arising out of the events alleged in the operative pleading in this matter: (1) All federal claims that were or could have been asserted against the City of New York; (2) All federal and state law claims that were or could have been asserted by plaintiff I.C. sounding in malicious prosecution and malicious abuse of process; and (3) All federal and state law claims that were or could have been asserted against defendant Timothy Wilson.

Dated: New York, New York  
8/3, 2012


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SO ORDERED:

HON. WILLIAM F. KUNTZ, II  
U.S. DISTRICT JUDGE